

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5105, 5106, 5107 of this title.

**§ 5109. Restrictions****(a) Distribution of income or assets to members**

No part of the income or assets of the corporation may inure to the benefit of any member, officer, or director of the corporation or be distributed to any such individual during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

**(b) Loans**

The corporation may not make any loan to any officer, director, or employee of the corporation.

**(c) Issuance of stock; dividends**

The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

**(d) Claim of approval or authorization**

The corporation shall not claim congressional approval or the authorization of the Federal Government for any of its activities by virtue of this chapter.

(Pub. L. 102-484, div. A, title XVIII, § 1829, Oct. 23, 1992, 106 Stat. 2585.)

**§ 5110. Liability for acts of officers and agents**

The corporation shall be liable for the acts of its officers and agents whenever such officers and agents have acted within the scope of their authority.

(Pub. L. 102-484, div. A, title XVIII, § 1830, Oct. 23, 1992, 106 Stat. 2585.)

**§ 5111. Books and records**

The corporation shall keep correct and complete books and records of account and minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep, at its principal office, a record of the names and addresses of all members having the right to vote in any proceeding of the corporation. All books and records of such corporation may be inspected by any member having the right to vote in any corporation proceeding, or by any agent or attorney of such member, for any proper purpose at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

(Pub. L. 102-484, div. A, title XVIII, § 1831, Oct. 23, 1992, 106 Stat. 2585.)

**§ 5112. Annual report**

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 1102 of this title. The report shall not be printed as a public document.

(Pub. L. 102-484, div. A, title XVIII, § 1833, Oct. 23, 1992, 106 Stat. 2586.)

**§ 5113. Reservation of right to amend or repeal chapter**

The right to alter, amend, or repeal this chapter is expressly reserved to the Congress.

(Pub. L. 102-484, div. A, title XVIII, § 1834, Oct. 23, 1992, 106 Stat. 2586; Pub. L. 103-35, title II, § 202(a)(13), May 31, 1993, 107 Stat. 101.)

## AMENDMENTS

1993—Pub. L. 103-35 made technical amendment to reference to this chapter to reflect correction of corresponding provision of original act.

## EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-35 applicable as if included in the enactment of Pub. L. 102-484, see section 202(b) of Pub. L. 103-35, set out as a note under section 155 of Title 10, Armed Forces.

**§ 5114. Tax-exempt status**

The corporation shall maintain its status as an organization exempt from taxation as provided in title 26. If the corporation fails to maintain such status, the charter granted by this chapter shall expire.

(Pub. L. 102-484, div. A, title XVIII, § 1835, Oct. 23, 1992, 106 Stat. 2586.)

**§ 5115. Exclusive right to names, seals, emblems, and badges**

The corporation shall have the sole and exclusive right to use the names “The Retired Enlisted Association, Incorporated”, “The Retired Enlisted Association”, “Retired Enlisted Association”, and “TREA”, and such seals, emblems, and badges as the corporation may lawfully adopt. Nothing in this section may be construed to conflict or interfere with rights that are established or vested before October 23, 1992.

(Pub. L. 102-484, div. A, title XVIII, § 1836, Oct. 23, 1992, 106 Stat. 2586.)

**§ 5116. Failure to comply with restrictions or provisions**

If the corporation fails to comply with any of the restrictions or provisions of this chapter, the charter granted by this chapter shall expire.

(Pub. L. 102-484, div. A, title XVIII, § 1837, Oct. 23, 1992, 106 Stat. 2586.)

**§ 5117. “State” defined**

For purposes of this chapter, the term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

(Pub. L. 102-484, div. A, title XVIII, § 1838, Oct. 23, 1992, 106 Stat. 2586.)

**CHAPTER 84—NATIONAL FALLEN FIREFIGHTERS FOUNDATION**

Sec.  
5201.

Establishment and purposes of Foundation.  
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Sec.	
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## § 5201. Establishment and purposes of Foundation

### (a) Establishment

There is established the National Fallen Firefighters Foundation (hereafter in this chapter referred to as the “Foundation”). The Foundation is a charitable and nonprofit corporation to be organized under the laws of the State of Maryland and is not an agency or establishment of the United States.

### (b) Purposes

The purposes of the Foundation are—

- (1) primarily to encourage, accept, and administer private gifts of property for the benefit of the National Fallen Firefighters’ Memorial and the annual memorial service associated with it;
- (2) to provide financial assistance to families of fallen firefighters for transportation to and lodging at non-Federal facilities during the annual memorial service;
- (3) to assist State and local efforts to recognize firefighters who die in the line of duty; and
- (4) to provide scholarships and other financial assistance for educational purposes and job training for the spouses and children of fallen firefighters.

(Pub. L. 102-522, title II, § 202, Oct. 26, 1992, 106 Stat. 3417.)

#### SHORT TITLE

Section 201 of title II of Pub. L. 102-522 provided that: “This title [enacting this chapter and section 671a of Title 29, Labor] may be cited as the ‘National Fallen Firefighters Foundation Act’.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5203, 5206 of this title.

## § 5202. Board of Directors

### (a) Establishment and membership

#### (1) Voting members

The Foundation shall have a governing Board of Directors (hereafter in this chapter referred to as the “Board”), which shall consist of nine voting members, of whom—

- (A) one member shall be an active volunteer firefighter;
- (B) one member shall be an active career firefighter;
- (C) one member shall be a Federal firefighter; and
- (D) six members shall have a demonstrated interest in the fire service.

### (2) Nonvoting member

The Administrator of the United States Fire Administration of the Federal Emergency Management Agency (hereafter in this chapter referred to as the “Administrator”) shall be an ex officio nonvoting member of the Board.

### (3) Status of Board members

Appointment to the Board shall not constitute employment by, or the holding of an office of, the United States for the purposes of any Federal law.

### (4) Compensation

Members of the Board shall serve without compensation.

### (b) Appointment and terms

Within 3 months after October 26, 1992, the Administrator shall appoint the voting members of the Board. The voting members shall be appointed for terms of 6 years, except that the Administrator, in making the initial appointments to the Board, shall appoint—

- (1) three members to a term of 2 years;
- (2) three members to a term of 4 years; and
- (3) three members to a term of 6 years.

### (c) Vacancy

A vacancy on the Board shall be filled within 60 days in the manner in which the original appointment was made.

### (d) Chairman

The Chairman shall be elected by the Board from its voting members for a 2-year term.

### (e) Quorum

A majority of the current membership of the Board shall constitute a quorum for the transaction of business.

### (f) Meetings

The Board shall meet at the call of the Chairman at least once a year. If a member of the Board misses three consecutive meetings, that individual may be removed from the Board and that vacancy filled in accordance with subsection (c) of this section.

### (g) General powers

#### (1) Actions by the Board

The Board may complete the organization of the Foundation by—

- (A) appointing no more than two officers or employees;
- (B) adopting a constitution and bylaws consistent with this chapter; and
- (C) undertaking other such acts as may be necessary to carry out this chapter.

#### (2) Limitation

Officers and employees may not be appointed until the Foundation has sufficient funds to pay for their services.